

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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CHERYL M. ANTHONY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 23-cv-02787-SHM-tmp
	)	
CITY OF GERMANTOWN,	)	
	)	
Defendant.	)	

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ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL

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Before the court is plaintiff Cheryl M. Anthony's Motion to Compel Defendant's Initial Disclosures, Interrogatory Answers, Responses to Requests for Production and the Accompanying Production, Designation of Representatives for 30(b)(6) Deposition and Deposition Dates for Others, filed on July 17, 2024. (ECF No. 32.) The motion was referred to the undersigned on August 1, 2024. (ECF No. 34.) The deadline for the City of Germantown ("Germantown") to respond was July 31, 2024. To date, Germantown has not responded. Under the Local Rules, "[f]ailure to respond timely to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion." L.R. 7.2(a)(2). Therefore, Germantown's failure to respond is a sufficient reason for granting this motion.

Further, the motion is justified on the merits. The court entered its scheduling order on April 24, 2024, and the deadline to provide Rule 26 initial disclosures was May 8, 2024. (ECF No. 24.) On April 30, 2024, Anthony provided her initial disclosures to Germantown and served her First Set of Interrogatories and First Requests for Production. (ECF Nos. 29 & 30.) On June 7, 2024, after being asked by Germantown for dates to take Anthony's deposition, Anthony provided two potential dates for Germantown to take her deposition and sent a notice to take a Rule 30(b)(6) deposition for Germantown. (ECF No. 32-4 at PageID 356-63.)

As of June 27, 2024, Germantown did not provide discovery nor request an extension, so Anthony sought to consult with Germantown on the outstanding discovery. (ECF No. 32-5 at PageID 364-65.) After consultation between counsel for both parties on July 5, 2024, Germantown agreed to provide objections to the Rule 30(b)(6) notice, designate witnesses for the remaining topics, pick dates for the depositions by July 8, 2024, and Germantown was to provide written discovery responses and initial disclosures. (ECF No. 32-6 at PageID 366.) To date, it appears that Germantown has failed to provide any of those dates, discovery responses, initial disclosures, or deponents.

The undersigned finds that there is no basis for Germantown's failure to provide initial disclosures, discovery responses, witnesses for Germantown's Rule 30(b)(6) deposition, or dates for

depositions to take place. Therefore, the motion to compel is GRANTED, and Germantown is ordered to provide those items to Anthony within fourteen days of the entry of this order. However, the undersigned concludes that Anthony's request that Germantown be barred from offering proof that would have been in its initial disclosures is unwarranted, and therefore that aspect of the motion is DENIED.

IT IS SO ORDERED.

s/Tu M. Pham

TU M. PHAM

Chief United States Magistrate Judge

August 2, 2024

Date